

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS BROWN,)
)
 Plaintiff,)
)
 v.) No. 06 C 617
)
 COUNTY OF COOK, et al.,)
)
 Defendants.)

MEMORANDUM ORDER

During yesterday's status hearing in this case, defense counsel advised that a partial motion to dismiss the Second Amended Complaint ("SAC") brought by Thomas Brown ("Brown") was in the works for imminent filing. Later in the day that motion was delivered to chambers, and it is so plainly correct that this Court hastens to address it, sparing Brown's counsel the need to file a response.

Brown's SAC was occasioned by this Court's issuance of its April 4, 2008 memorandum opinion and order ("Opinion"), which cut away much of the First Amended Complaint for a couple of reasons. Among the FAC's flaws was the unavailability to Brown of injunctive relief because, as a former employee of the Cook County Sheriff's Office, he had no standing under Article III of the Constitution to obtain such relief--a proposition grounded in City of Los Angeles v. Lyons, 461 U.S. 95, 101-02 (1983) (see Opinion at 11-12).

Despite that unambiguous and unequivocal holding, Brown's

counsel have still included in the SAC's prayer for relief (1) two requests for permanent injunctive relief, (2) a prayer for a declaratory judgment and (3) a request for this Court's retention of jurisdiction until defendants "have remedied the policies and practices complained of herein and are determined to be in full compliance with the law." All of that ignores the fact that at this point Brown is acting for himself alone, asserting a one-count claim for damages under 42 U.S.C. §1983. Hence defendants' partial motion to dismiss--more accurately a motion to strike the offending prayers for relief--is granted.



Milton I. Shadur
Senior United States District Judge

Date: May 22, 2008